



LOS ANGELES COUNTY COMMISSION ON HIV

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PUBLIC POLICY COMMITTEE MEETING MINUTES April 29, 2015

Approved
5/27/2015

The Public Policy Committee acts in accordance with the role of the Commission on HIV, as dictated by Los Angeles County Code 3.29.090. Consistent with Commission Bylaws Article VI, Section 2, no Ryan White resources are used to support Public Policy Committee activities.

| MEMBERS PRESENT | MEMBERS ABSENT | PUBLIC | COMM STAFF/ CONSULTANTS |
|---------------------------------|-----------------------------------|-----------------|----------------------------|
| Aaron Fox, MPM, <i>Co-Chair</i> | Richard Zaldivar, <i>Co-Chair</i> | Craig Pulsipher | Jane Nachazel |
| Kyle Baker | Joseph Cadden, MD | Erik Sanjurjo | |
| Lee Kochems, MA | Gregory Rios | | |
| Eric Paul Leue | Shoshanna Scholar | | DHSP STAFF |
| | Will Watts, JD | | None |

CONTENTS OF COMMITTEE PACKET

- 1) **Agenda:** Public Policy Committee Agenda, 4/29/2015
- 2) **Minutes:** Public Policy Committee Meeting Minutes, 2/25/2015
- 3) **Standards:** CalOSHA State Standard Title 9, Division 1, Chapter 4, Subchapter 7, Article 109 - Hazardous Substances and Processes, Section 5193.1: Sexually transmitted infections, 2015
- 4) **Letter:** California Occupational Safety & Health Standards Board, Regarding Proposed Regulations, 2015
- 5) **Standards:** Proposed Revisions, CalOSHA State Standard Title 9, Division 1, Chapter 4, Subchapter 7, Article 109 - Hazardous Substances and Processes, Section 5193.1: Sexually transmitted infections 2015
- 6) **Bill:** AB 73: Provider Prevails Act, 3/16/2015
- 7) **Bill:** AB 329: Pupil instructions: sexual health instruction, 2/13/2015
- 8) **Bill:** AB 339: Health care coverage: outpatient prescription coverage, 2/13/2015
- 9) **Bill:** AB 366: Medi-Cal: reimbursement: provider rates, 2/17/2015
- 10) **Bill:** AB 374: Health care coverage: prescription drugs, 3/2/2015
- 11) **Bill:** AB 383: Public health: hepatitis C, 2/18/2015
- 12) **Bill:** AB 463: Pharmaceutical Cost Transparency Act of 2015, 2/23/2015
- 13) **Bill:** AB 521: HIV testing, 4/23/2015
- 14) **Bill:** AB 533: Health care coverage: out-of-network coverage, 2/23/2015
- 15) **Bill:** AB 827: Public school curriculum: sexual health education, 2/26/2015
- 16) **Bill:** AB 959: Data collection, 2/26/2015
- 17) **Bill:** SB 4: Health care coverage: immigration status, 12/1/2014
- 18) **Bill:** SB 33: Medi-Cal: estate recovery, 3/17/2015
- 19) **Bill:** SB 128: End of life, 3/17/2015
- 20) **Bill:** SB 137: Health care coverage: provider directories, 1/26/2015
- 21) **Bill:** SB 277: Public health: vaccinations, 2/19/2015
- 22) **Bill:** SB 608: Homelessness, 2/27/2015

1. **CALL TO ORDER:** Mr. Fox called the meeting to order at 1:20 pm.
2. **APPROVAL OF AGENDA:** Quorum was not achieved.
MOTION #1: Approve the Agenda Order (**Postponed**).

3. PUBLIC COMMENT (*Non-Agendized or Follow-Up*): There were no comments.

4. COMMITTEE COMMENT (*Non-Agendized or Follow-Up*): There were no comments.

5. STATE LEGISLATIVE/POLICY ISSUES:

- Public Policy discussed the proposed addition of Section 5193.1: Sexually transmitted infections, to CalOSHA state standard Title 9, Division 1, Chapter 4, Subchapter 7, Article 109 - Hazardous Substances and Processes.
- CalOSHA will consider the regulations on 5/21/2015. Public comment closes 5/2/2015. The subject was proposed to Ca;/OSHA in 2009. Three or four failed legislative efforts were also sponsored by those supporting the regulations. The Commission initially supported legislation and inclusion on the Board's Legislative Agenda of macro-level risk reduction principles, but support has waned as proposals evolved and new prevention approaches developed such as PrEP.
- Mr. Baker added the proposals have never been fully or even partially informed by reliable epidemiological data.
- Mr. Leue reported the proposed regulations were developed by the sponsors without adult film industry input even though performers are a stigmatized population. The industry developed a coalition, the Free Speech Coalition, of HIV/AIDS organizations, legal and unaffiliated medical professionals and others concerned with risk reduction in the industry.
- The Free Speech Coalition developed revisions to the proposed regulations which address concerns including: medical record privacy, medical services, required vaccination, condoms as primary prevention, stigma, patient choice, exclusion of PrEP and no acknowledgement that medication-adherent PLWH who are virally suppressed are a low HIV transmission risk.
- Mr. Leue noted the combination of employer required medical services and follow-up would also violate confidentiality protected by the Americans with Disabilities Act, e.g., for PLWH who are on medication and have undetectable viral loads.
- He added there is currently a comprehensive, nationwide rated list of testing facilities from which performers may choose. Facilities are re-evaluated regularly and dropped from the list should they not meet standards. Facilities and performers have developed a family-like, mutually protective relationship that could be disrupted by the proposed regulations.
- The Free Speech Coalition supports the "personal protective option" including equipment and procedures with bi-weekly RNA testing which has been shown to remove potential infection per a medical study by former CDC doctors. This approach to reducing the risk of STI transmission is feasible and empowers individuals. The revision does not define specific equipment and procedures in order to avoid dating regulations. Current regulations are 10 years old and medical advances such as biomedical interventions continue. By providing a framework and process, the revision keeps new options open.
- Mr. Baker said the Commission is authorized to make recommendations to the Board particularly in matters that may impact consumers. The Board generally accepts recommendations and then requests input from pertinent County departments such as the Chief Administrative Office and Department of Public Health. Should the Board decide to act on a recommendation, it will most commonly direct its advocates to act on its behalf such as by submitting a letter.
- He added the Commission historically supported condoms in general as part of STI forward transmission prevention, but not at a micro level. The Board ultimately adopted macro support for condoms in its state legislative agenda though he had requested its removal for several years. The level of specificity in the last bill prompted the Commission to rescind support.
- Mr. Leue stressed that neither the adult film industry nor its performers were opposed to condom use but, rather, were in favor of empowering employees to take whatever measures they feel are most efficacious to protect their sexual health.
- It was agreed common sense CalOSHA regulations would be beneficial, but current proposed regulations were inconsistent with the Commission's historical approach to STI prevention and should be revised to address the issues raised.
- Mr. Pulsipher, AIDS Project Los Angeles (APLA) noted Home Health Program reimbursement rates have not increased since 2001. Scott Singer has been working with the Department of Health Care Services and the Office of AIDS on increases and was told they would be in this year's budget, but they were not. APLA was working with other agencies statewide on this.
- ➡ Mr. Fox will coordinate with Messrs. Baker, Kochems and Leue to develop a motion for Commission consideration that requests the Board of Supervisors to direct its advocates to submit a statement to CalOSHA which supports common sense regulations, but not the regulations as drafted, and urges that regulations be amended to address concerns raised.
- ➡ Mr. Kochems, prior Co-Chair, Joint Public Policy, will provide context for the CalOSHA regulations motion by explaining how proposed regulations differ markedly from legislative and other efforts previously supported by the Commission.

A. 2015 Legislative Session:

- Mr. Fox reported the next Budget Subcommittee on Health hearing will be in the Senate on 5/7/2015. Its last hearing only addressed ADAP modernization. The next will hear all HIV and California AIDS Alliance General Fund asks. Alliance asks are \$3 million each for PrEP, more enrollment workers and prevention funding for small and mid-size counties.

- Mr. Baker reported Bradley Land called regarding state prevention cuts. He reminded him all funds were cut in 2009 excepting minimal funds for surveillance and the Office of AIDS. \$3 million was restored last year. The CDC directly funds organizations, health departments of the 10 most impacted jurisdictions including the County and states without such jurisdictions. The County carves out funds for the Long Beach and Pasadena health jurisdictions.
- ➡ Mr. Fox will follow-up with Bradley Land on questions he received pertaining to possible reduced prevention funding.

1) Docket:

- Mr. Kochems asked about the Equality California sponsored LGBT data collection bill. Mr. Fox said AB 959, on the Docket, would require any state funded data collection to include sexual orientation and gender identity data.
- The bill is separate from efforts by a group of LGBT organizations working with Covered California and the Department of Health Care Services to include such data in Covered California and Medi-Cal applications.
- Mr. Baker noted eventual action on Legislative Docket recommendations to the Board varies. The Commission has taken an active advocacy and education role when a bill had an immediate, direct impact on PLWH in the County, e.g., the effort to support Names-Based Reporting. At the other extreme, some bills are simply watched.
- ➡ Mr. Baker keeps an internal DHSP legislative docket usually offered to Public Policy for input. It was not updated due to lack of staff time, but is now being updated and will be cross-walked with the Commission docket soon.
- ➡ Determine if SB 243 is companion bill to AB 366 and, if so, add to Legislative Docket.
- ➡ Add following two bills to Legislative Docket as Watch and discuss at next meeting:
 1. Currently mobile unit or satellite clinics cannot bill after 20 hours per week. Bill increases that to 30 hours.
 2. Currently Federally Qualified Health Centers (FQHCs) can only bill Medi-Cal for Licensed Clinical Social Workers, but other providers can bill for Marriage and Family Therapists (MFTs) as well. Bill allows FQHCs to bill for MFTs which would support service availability by expanding potential staff.
- ➡ Forward Legislative Docket, as noted below and revised per the prior two bullets, to Commission for review and approval with notation that recommendations were by the body meeting as a whole in the absence of quorum.

MOTION #2: Approve 2015 Legislation Docket, as presented (**Postponed**).

PUBLIC POLICY COMMITTEE LEGISLATIVE DOCKET FOR 2015

(as of 4/29/15)

| BODY | BILL NO | DESCRIPTION | POSITION | NOTES |
|------|---------|--|----------|--|
| AB | 73 | Provider Prevails Act | Watch | Would require Medi-Cal to pay for some drugs prescribed by Medi-Cal providers; Health Access and possibly others have concerns that are not yet clear. |
| AB | 329 | Pupil instructions: sexual health instruction | Support | Updates comprehensive sexual health education language including on ARVs as useful for prevention; broad support excepting California Right to Life. |
| AB | 339 | Health care coverage: outpatient prescription coverage | Support | Caps out-of-pocket costs; requires definition of "specialty prescriptions" not based on cost. |
| AB | 366 | Medi-Cal: reimbursement: provider rates | Watch | Increases inpatient hospital rates; urgency bill; may impact bed availability; possible companion bill SB 243. |
| AB | 374 | Health care coverage: prescription drugs | Support | Limits health plan or insurer ability to require medication step therapy (fail first). |
| AB | 383 | Public health: hepatitis C | Support | Primary care clinics should now offer annual HIV test; this bill does same for Hepatitis C; likely objections from California Hospital Association (CHA) and California Medical Association (CMA) as unfunded mandate. |
| AB | 463 | Pharmaceutical Cost Transparency Act of 2015 | Watch | Requires manufacturers of high cost medications to file annual report on their costs; two-year bill. |

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|-----------|------------|---|-----------------------|--|
| AB | 521 | HIV testing | Oppose Unless Amended | Expands testing to general acute care hospitals; provides requirement exceptions; linkage only requires "printed material"; AIDS Healthcare Foundation sponsors; CHA and CMA oppose due to capacity issues. |
| AB | 533 | Health care coverage: out-of-network coverage | Support | Prohibits health plans charging enrollees receiving care at a participating facility more for nonparticipating providers. |
| AB | 827 | Public school curriculum: sexual health education | Watch | Possibly changed to address LGBT cultural competency teacher training; ascertain current language. |
| AB | 959 | Data collection | Support | Voluntary LGBT data collection; supported by Equality California. |
| SB | 4 | Health care coverage: immigration status | Support | Universal health care; Chief Executive Office (CEO) requested input, Department of Public Health including DHSP and other departments supported and CEO now supports; would migrate Ryan White medical care patients to other insurers, e.g., Medi-Cal. |
| SB | 33 | Medi-Cal: estate recovery | Support | Limits Department of Health Care Services recovery of Medi-Cal services costs of a decedent from his/her estate or recipient(s) of decedent. |
| SB | 128 | End of life | Support | Allows competent adult suffering from terminal illness to request prescription for aid-in-dying medication; based on Oregon statute. |
| SB | 137 | Health care coverage: provider directories | Support | Requires Departments of Managed Health Care and Insurance develop standard provider directory template and require its use by regulated health plans and insurers and update it weekly. |
| SB | 277 | Public health: vaccinations | Support | Eliminates exemption based on personal beliefs from immunization of pupils of public or private elementary or secondary schools, day care centers, et al; support includes County and Los Angeles LGBT Center; opposed by anti-vaccination lobby, e.g., on number of vaccines. |
| SB | 608 | Homelessness | Watch | Allows moving, using, resting in public spaces or legally parked vehicles; homeless advocates support; localities generally oppose; concerns with definition of public space; issue may be too broad for Commission charge. |

6. ANNOUNCEMENTS:

- Mr. Mr. Leue reported APAIT was interested in a CDC FOA. Mr. Baker replied only health departments were eligible though providers could partner with eligible health departments. Information was on the CDC website.
- Mr. Leue announced that 5/18/2015 was HIV Vaccine Day.

7. ADJOURNMENT: The meeting adjourned at 3:25 pm.